

AN ACT

ENTITLED, An Act to establish a separate licensure category for vacation home establishments and to require vacation home establishments to meet minimum fire safety standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-18-1 be amended to read as follows:

34-18-1. Terms used in this chapter mean:

- (1) "Campground," a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public to be a place where camping units can be located and occupied as temporary living quarters for children or adults, or both. Camping units are considered to be trailers, tent campers, campers, tents, or other equipment that may be used by the traveling public at individual campsites located at campgrounds or areas used by the public as campgrounds;
- (2) "County fair," any fair or celebration operated by any county of this state and under the supervision of a county fair board, county fair association, or the county board of commissioners;
- (3) "Department," the Department of Health;
- (4) "Food," any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption;
- (5) "Food service establishment," any fixed restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; catering kitchen; delicatessen; bakery; grocery store; boardinghouse; or similar place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere with or without charge;
- (6) "Hotel," any hotel, motel, lodge, resort, cabins, building, or buildings with more than ten

- rental units which is used to provide sleeping accommodations for a charge to the public;
- (7) "Lodging establishment," any building or other structure and property or premises kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to two or more transient guests. The term includes hotels, motels, cabins, bed and breakfast establishments, lodges, vacation home establishments, dude ranches, and resorts;
 - (8) "Mobile food service establishment," any mobile unit in which food or drink is prepared for sale or for service to the public with or without charge;
 - (9) "Nonprofit organization," any governmental organization, church, fraternal, social, school, youth, or other similar organization that is organized and operated for a common good and not for the specific monetary gain of any person or persons;
 - (10) "Owner," the operator, agent, proprietor, manager, or licensee whether it be a person, firm, corporation, limited liability company, or association;
 - (11) "Rental unit," any room, cabin, or other quarters that may be rented to a guest for sleeping accommodations;
 - (12) "Secretary," the secretary of the Department of Health;
 - (13) "Specialty resort," any bed and breakfast establishment, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort;
 - (14) "State Fair," the fair at Huron, South Dakota, operated by the Department of Agriculture;
 - (15) "Temporary food service establishment," any food service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering;

- (16) "Transient guest," any person who resides in a lodging establishment less than four consecutive calendar weeks;
- (17) "Vacation home establishment," any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen days in a calendar year and is not occupied by an owner or manager during the time of rental. This term does not include a bed and breakfast establishment as defined in subdivision 34-18-9.1(1).

Section 2. That chapter 34-18 be amended by adding thereto a NEW SECTION to read as follows:

Any vacation home establishment shall meet the following minimum fire safety standards:

- (1) Each floor where ten or more occupants are sleeping shall have access to at least two remote exits;
- (2) Any primary exit that leads to the exterior of the structure shall be capable of unlocking from the interior with single action hardware, and free from obstruction. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement;
- (3) There shall be a smoke detector in each sleeping room. The owner or manager shall test any battery operated smoke detector at least twice a year;
- (4) Any sleeping room shall be equipped with an operable egress window. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement; and
- (5) A portable fire extinguisher with a minimum 2-A rating shall be made available on each floor and shall be inspected and tagged annually.

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I certify that the attached Act
originated in the

SENATE as Bill No. 32

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 32
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State